FACTUAL RESUME

UNITED STATES OF AMERICA

v.

BECKY RENEE KITE
2:15-CR-47-J

Defendant is pleading guilty to Count One of the Indictment.

INDICTMENT: Violation of 18 U.S.C. § 666 – Embezzlement from a Federally Funded Program.

MAXIMUM PENALTY: Imprisonment for a period of not more than **ten years**; a fine not to exceed **$250,000.00**; and a term of supervised release of not more than **three (3) years**. If the defendant violates the conditions of supervised release, she could be imprisoned for the entire term of supervised release and be subject to additional supervised release.

The defendant may also be required to make restitution to victims or to the community, which may be mandatory under the law, and which defendant agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone, and pay costs of incarceration and supervision.

ASSESSMENT: Pursuant to 18 U.S.C. § 3013(a), a mandatory assessment of **$100.00** will be made.

ELEMENTS: *First*: That at the time alleged in the indictment, the defendant was an agent of Gilvin-Terill, Ltd;

Second: That in a one-year period Gilvin-Terill, Ltd, received federal benefits in excess of $10,000; blg BRK

Third: That the defendant knowingly stole, embezzled, or obtained by fraud property;

Fourth: That the property was owned by or under the care, custody or control of Gilvin-Terill, Ltd;

Fifth: That the value of the property was at least $5,000.

FACTS:

Beginning in or about November 2013 and continuing until in or about February 2015, in the Amarillo Division of the Northern District of Texas, and elsewhere, Becky Renee Kite (Kite), defendant, did knowingly embezzle, steal, obtain by fraud, or otherwise without lawful authority, convert to her own use property of a value over $5,000 owned by or under the care, custody and control of Gilvin-Terill, Ltd, that is, approximately $71,011.13.

At all times material to this factual resume, Gilvin-Terrill, Ltd (Gilvin-Terrill), was an organization that received federal assistance from the United States Department of Transportation through the Texas Department of Transportation in excess of $10,000 for each one year period beginning January 2013 and ending February 2015. Also, Kite was an agent of Gilvin-Terrill in that she was employed as a contractor administrator and accounts payable clerk.

On February 6, 2015, Martha Chow, the owner of the road construction company Gilvin-Terrill, contacted the FBI and reported the embezzlement. Martha Chow, Tim Chow, and their accountant were all interviewed regarding the embezzlement. According to them, Gilvin-Terrill issued Chase credit cards to certain employees; however, Kite was not one of them. While Kite was employed at Gilvin-Terrill, she was asked to collect and place the company credit cards, in the company safe.

The embezzlement was first discovered on February 3, 2015, when Elizabeth Dodson (Dodson), an employee of Gilvin-Terrill and an employee who was issued a credit card, received a phone call from a glass vendor asking her some questions about her order. Dodson had not placed any such order and did not know what the caller was talking about. Dodson then discussed the call with Tim Chow.

Tim Chow discovered that Gilvin-Terrill was not receiving statements in the mail from Chase for the account, so he requested three months of statements. Tim Chow discovered dozens of unauthorized transactions which appeared to be for personal expenses at retail locations in and around Amarillo, Texas. Chow noticed purchases from out of state glass vendors, and he knew Kite's boyfriend is a glass blower. Chow then ordered the last two years of statements from Chase and discovered unauthorized purchases in or around October 2013. After the discovery, Chow told Elizabeth Dodson to collect all the cards from the safe, but there were three cards missing.

In addition to unauthorized retail purchases, there were also frequent ATM cash advances on the card. Chow did not set the account up to get cash advances; however, FBI later learned Kite added this capability and obtained personal identification numbers (PINs) for one of the cards. blg BK

Gilvin-Terrill's accountant looked into the matter and learned that Kite was making payments on the credit card balance using company funds. Kite did this by making electronic payments from Gilvin-Terrill's operating account. The accountant also discovered that Kite was posting the payments to Chase in the company books as though they were for fuel and other legitimate company expenses.

On February 11, 2015, Kite was interviewed by FBI agents. Kite admitted to using the company credit cards for personal expenses without permission. Kite admitted to changing the account preferences to where she could take out cash advances from ~~the cards~~ one card. blg BK Kite estimated that from October 2013 to February 2015 she made between $60,000 and $80,000 in unauthorized charges and cash withdrawals on the company cards. Further, Kite admitted to changing the account preferences to where the statements would be emailed to her instead of mailed to the office. Kite admitted to making payments to Chase electronically from Gilvin-Terrill's operating account.

FBI obtained security video from JPMorgan Chase and from four different retailers that showed only Kite conducting the ATM withdrawals and purchases with the Gilvin-Terrill credit cards.

The accountant's analysis of the credit card statements shows that Kite conducted a total of 759 unauthorized transactions totaling $71,011.13.

STATUS: On Bond.

I, Becky Renee Kite, defendant in the above case, hereby state that the facts set forth herein are true and correct.

Dated: June 25, 2015

Becky Renee Kite
Defendant

Witnessed By:

Bonita L. Gunden
Bonita Gunden
Attorney for Defendant